

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA**

JAMES WILKERSON,	)	Civil Action No.:
Plaintiff,	)	
	)	NOTICE OF REMOVAL
vs.	)	
	)	State Court No. 22-M-29573 (assigned by
INNOVIS DATA SOLUTIONS,	)	the Magistrate Court for Gwinnett Count
INC.,	)	Georgia
Defendant.	)	

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1331, 1332, 1441 and 1446, Defendant Innovis Data Solutions, Inc. (“Innovis”) hereby removes the above-captioned litigation to the United States District Court for the Northern District of Georgia. As grounds for removal, Innovis states as follows:

**I. THIS COURT HAS REMOVAL JURISDICTION.**

1. This litigation involves a civil action that Plaintiff James Wilkerson filed against Defendant Innovis. Exhibit A.
2. Plaintiff filed his civil action in the Magistrate Court for Gwinnett County, Georgia. *Id.*
3. Federal law permits defendants sued in a state court to remove a “civil action ... of which the district courts of the United States have original

jurisdiction ... to the district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a).

4. Federal law defines this Honorable Court’s “original jurisdiction” to include “civil actions arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331.

5. Plaintiff alleges that Innovis violated the Fair Credit Reporting Act, which is a “law[] ... of the United States.” Exhibit A at 2 (alleging that “I am bringing this complaint pursuant to ... the Fair Credit Reporting Act,” and identifying that Act as “FCRA, 15 U.S.C. § 1681 *et seq.*”).

6. Because Plaintiff’s civil action arises under federal law, it presents a federal question under 28 U.S.C. § 1331 and falls within this Honorable Court’s original jurisdiction under 28 U.S.C. § 1441(a).

7. Because Gwinnett County, Georgia is within this Honorable Court’s judicial district, this Honorable Court “embrac[es] the place where [this] action is pending” and has removal jurisdiction under 28 U.S.C. § 1441(a).<sup>1</sup>

## **II. THIS NOTICE OF REMOVAL IS TIMELY.**

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<sup>1</sup> Plaintiff filed suit in Gwinnett County but provided an address in Fulton County. Ex. A at 1. Because both counties are within this Court’s judicial district, this Court has removal jurisdiction.

8. A defendant must remove litigation to federal court within 30 days from the date on which it was served with process. 28 U.S.C. § 1446(b).

9. Plaintiff served Innovis's registered agent with process on September 9, 2022.

10. Because Innovis is filing this Notice of Removal within 30 days from the date of service – *i.e.*, on or before October 9, 2022, which is 30 days from September 9, 2022 – the Notice of Removal is timely.

### **III. THIS NOTICE OF REMOVAL IS PROPER.**

11. In accordance with 28 U.S.C. § 1446 (b), attached hereto as Exhibit A are copies of “all process, pleadings, and orders served upon” Defendant Innovis in this litigation.

12. Pursuant to 28 U.S.C. § 1446(d), the undersigned certifies that immediately after the filing of this Notice of Removal in this Court, a Notice of Notice of Removal (attached hereto as Exhibit B) will be filed in the Magistrate Court for Gwinnett County, Georgia.

WHEREFORE, Defendant Innovis gives notice that the above-captioned litigation has been removed from the Magistrate Court for Gwinnett County, Georgia to the United States District Court for the Northern District of Georgia.

Respectfully submitted by:

/s/ Cammi R. Jones

CAMMI R. JONES

Georgia Bar No. 398999

Cammi.Jones@FisherBroyles.com

945 East Paces Ferry Rd., NE

Suite 2000

Atlanta, Georgia 30326

Tel: (404) 551-3585

Fax: (404) 478-6834

*Counsel for Defendant Innovis*

**CERTIFICATE OF SERVICE**

I hereby certify that on October 06, 2022, I served the foregoing Notice of Removal upon Plaintiff by sending a true and correct copy via United States mail addressed to James Wilkerson, 384 Ralph McGill Boulevard, Unit 322, Atlanta, GA 30312.

/s/ Cammi R. Jones  
Cammi R. Jones  
FisherBroyles, LLP  
*Counsel for Defendant Innovis*